

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ONEIDA CONSUMER, LLC, *et al.*,

Plaintiffs,

v.

ELYSE FOX,

Defendant.

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CASE NO. 2:20-cv-2043

JUDGE JAMES L. GRAHAM

MAGISTRATE JUDGE ELIZABETH
PRESTON DEAVERS

**STIPULATED ADDENDUM TO THE
CONFIDENTIALITY AND PROTECTIVE ORDER**

Pursuant to the Court's Order of July 15, 2020, and consent of the parties, this Stipulated Addendum to the Confidentiality and Protective Order (this "Stipulated Addendum") hereby supplements the June 30, 2020 Stipulated Confidentiality and Protective Order (the "Protective Order") as follows:

Defendant Fox has agreed to produce information pertaining to Defendant Fox's inventory of Oneida flatware product. This inventory information is being produced subject to the Protective Order and designated as Attorney's Eyes Only. The parties have also agreed that the following terms will apply to the production and disclosure of this information:

- Plaintiffs' counsel may share the inventory information produced by Defendant on July 21, 2020 with Claudia Bianco, Vice President and Sales and Marketing Director for the Oneida Brand, subject to the terms of the Protective Order as supplemented by this Stipulated Addendum. Neither Plaintiffs' counsel nor Ms. Bianco may share the inventory information with anyone else.

- Prior to sharing the inventory information with Ms. Bianco, Ms. Bianco must first sign the certification attached hereto as Exhibit A acknowledging her agreement to be bound by the Protective Order and the additional terms set forth herein.
- Plaintiffs, and Ms. Bianco, individually, acknowledge and agree that Defendant Fox's inventory information may only be used for the limited purpose to complete Plaintiffs' discovery process to verify the origins of Defendant Fox's inventory and confirm the statements in her Affidavit regarding the same.
- Plaintiffs, and Ms. Bianco, individually, acknowledge and agree that they will not use Defendant Fox's inventory information in a way to try to gain a competitive advantage over Defendant Fox in the marketplace. Plaintiffs, and Ms. Bianco, individually, further acknowledge and agree that Defendant Fox contends the following conduct would constitute an attempt by Plaintiffs to use Defendant Fox's inventory information to gain a competitive advantage over Defendant Fox in the marketplace: after receiving the inventory information, Plaintiffs use the information to increase Plaintiffs' sales listing on Amazon, and/or decreasing its sales prices on Amazon, for the patterns or sets that represent the largest quantity or most valuable items shown on Defendant Fox's inventory as a means to undercut Defendant Fox's online selling efforts.
- Plaintiffs, and Ms. Bianco, individually, acknowledge and agree that if Defendant Fox or her counsel later obtain evidence that Plaintiffs have used Defendant Fox's inventory information in violation of the Protective Order or this Stipulated Addendum, then Defendant Fox reserves the right to bring all legal claims available against Plaintiffs. In the event Defendant Fox brings such legal claims, Plaintiffs agree to submit to the

jurisdiction of this Court, and specifically to the jurisdiction of Judge Graham, to adjudicate those claims.

The parties, through signature of counsel, hereby agree to be bound by the terms of the Stipulated Addendum.

IT IS SO ORDERED.

s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
CHIEF UNITED STATES MAGISTRATE JUDGE

STIPULATED AND APPROVED:

/s/ Robert G. Schuler
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Attorneys for Plaintiffs

EXHIBIT A

CERTIFICATE

I hereby certify that I have read and understand the foregoing Stipulated Addendum and the Protective Order regarding certain documents and information produced in discovery, and I agree to abide by their terms and conditions. I also understand that any violation of said Stipulated Addendum or Protective Order by me or anyone acting under my direction may subject me to penalties for contempt of court.

Dated: _____

Claudia Bianco

Address
